IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.218 OF 2007

Shri.Shivappa Rakhamaji Khot ...Appellant

Versus

Appasaheb Rakhamaji Khot & Ors. ...Respondents

.....

Mr.Kuldeep S.Patil for Appellant.

None for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

JULY 17, 2007.

P.C.

1. Heard Counsel for the Appellant.

2. I find no substance in this Appeal. The Appeal does not raise any question of law, much less, substantial question of law.

3. The argument of the Appellant is that the Courts below committed manifest error in not reckoning gat No.203 as joint family property so as to be taken into account for the purpose of

partition. The argument clearly overlooks the observations in Para 11 of the Appellate Court Judgment. It is found that the Plaintiff has not challenged the sale of land gat No.203. The said land was sold according to the Defendant for legal necessity of marriage of Defendant's son. The same took place much earlier to the Suit for partition. In other words, it will have to be assumed that such need was for legal necessity of the family namely to celebrate the marriage of their family member, who incidentally happens to be the son of the Defendant.

4. In my opinion, no fault can be found with the conclusion reached by the lower Courts. No case of interference in Second Appeal. Hence, dismissed.

A.M.KHANWILKAR, J.